

REMARKS

Claims 1, 3-5 and 7-10, all the claims pending in the application, stand rejected. Applicant notes that claims 2 and 6 previously had been canceled in the amendment filed on March 25, 2002, and thus the Examiner's reference to these claims in the rejection appears to be an oversight. Applicants comments are directed to the currently pending claims. Applicant has amended claims 1 and 5 in order to better define the invention in a manner that clearly distinguishes over the prior art.

Claim Objections

Claims 1 and 5 are objected to because the Examiner believes that the phrase "with the elasticity of the elastic material" should be "with increasing elasticity of the elastic material". Applicants have adopted the Examiner's suggestion, for which they are grateful.

Claim Rejections - 35 U.S.C. § 112

The Examiner rejects claims 1, 3-5 and 7-10 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. This rejection is traversed for at least the following reasons.

The Examiner notes that claims 1 and 5 recite that "the projecting amount of the high hardness particles increases with the elasticity of the elastic material when a member to fed is fed." The Examiner finds that this suggest that the elasticity of the elastic material and the projection of the particles increases when a member is fed. Further, the Examiner finds that the phrase suggest that the projection of the particles increases when the articles are fed, but finds it unclear as to how this would occur. The Examiner notes that the fed articles will apply a force into the belt and would actually tend to push the particle in.

Applicants respectfully submit that on the basis of the language proposed by the Examiner to overcome the claim objection, the meaning is clear and fully supported by the original disclosure. In particular, as the elasticity of the belt increases (due to changes in temperature, for example) the particles will tend to project further out of the surface. Applicant

submits that the reason for this is that more of the elastic material is stretched longitudinally, thereby drawing away from the surface of the harder particles, which are not affected by the change in temperature or pressure.

With respect to the manner in which the projection of the particles increases when the articles are fed, notwithstanding the force placed upon the belt by the article that tends to push against the particles, Applicants respectfully submit that the reason is clear to one of ordinary skill. Again, as the elastic material is stretched, it draws away from the particle and tends to have the particles project further out of the surface of the elastic material.

A simple example may be provided. Specifically, consider a piece of chewing gum that has been briefly chewed together with bits of hard candy embedded therein. If the piece of gum is then stretched longitudinally, the bits of candy would actually project further out of the surface of the gum. In a similar manner, notwithstanding a force of the object pressing against the particles, the relative projection of the pieces from the surface of the elastic material will change. Thus, one of ordinary skill in the art would clearly understand the meaning of the phrase and would find it fully supported by the original disclosure of the application.

Claim Rejections - 35 U.S.C. § 112

Claims 1, 3-5 and 7-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is traversed for at least the following reasons.

The Examiner asserts that these claims are indefinite because the preamble recites a sub-combination of a feed belt, but the body of the claim recites the combination of a feed belt and its associated feed system. The Examiner points to the language of the claim “pressure applied to the belt from said member varies with the shape or hardness of the member to be fed” and asserts that this is a positive recitation of that which is not part of the belt. The Examiner asserts that it is not clear whether the Applicant intended to claim the combination or the sub-combination.

The Applicant respectfully submits that the claims are clear. The claims are directed to a belt. They are not drawn to a combination. The belt has certain characteristics that vary when a member is placed thereon. The claims do not recite a combination of a belt and a member. Accordingly, this rejection should be withdrawn.

Amendment under 37 C.F.R. § 1.114(c)
Application No. 09/170,225

Applicant notes that with respect to the rejections under 35 U.S.C. § 112, the Examiner has recommended certain changes to overcome the rejections. These changes have been adopted by the Applicants.

Claim Rejections - 35 U.S.C. § 103

Claims 1 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Frandsen (4,193,313) in view of Saylor, Jr. (5,787,655). This rejection is traversed for at least the following reasons.

Applicants note that the Examiner has dropped the reference to Arnold from his previous rejection of these claims. At page 8 of the Office Action, the Examiner comments that Arnold is not needed to teach a UHMW polyethylene of 58-62.

Applicants traversed the Examiner's rejection in the previous Amendment on the basis that the belt material is totally different from that of the present invention and that the goal is also different in that Frandsen is intended to have a high abrasion resistant and non-adhesive material so that it can be used to transport delicate items. It was asserted that Frandsen teaches away from a more flexible and elastic material. Other distinctions were also presented. With regard to Saylor, it was noted that the reference does not even concern a belt but a decorative floor cover. Thus, there is no teaching or motivation for combining the structures of the two disclosures in a manner that would render the claimed invention obvious.

In the Examiner's Response to Arguments at page 8 of the Office Action, the Examiner merely asserts that Saylor states that at least 50% of the beads should be embedded so that they do not pop out. The Examiner further comments that "in this case, the bead can be fully embedded." This latter comment is not understandable and, in any event, none of the Examiner's comments address the basic issue of incompatibility between the two references. In this regard, the Examiner merely comments that both inventions are trying to solve the same problem, that is providing a rough surface on an elastic member using embedded beads.

However, this is gross generalization that is not instructive with respect to the considerations that one of ordinary skill in the art would have in attempting to modify Frandsen. Nothing in the rigid material of Saylor would lead one skilled in the art to consider a

Amendment under 37 C.F.R. § 1.114(c)
Application No. 09/170,225

modification of Frandsen, in a manner that would lead to the present invention. The environments of Frandsen and Saylor are far afield and involve different materials, different purposes and different applications. On its face, the Examiner has failed to make a *prima facie* case of obviousness.

Claims 1, 3-5 and 7-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Arnold (5,326,411) in view of Saylor, Jr. (5,787,655). This rejection is traversed for at least the following reasons.

The Examiner repeats his basis for rejection of these claims and acknowledges that Applicant's argument that the two references are directed to different environments. The Examiner looks to the broad and generalized purpose of enhancing a coefficient friction on the face of a belt and asserts that it is equally valid in any conveying environment. The Examiner asserts that the provision of a rough surface on an elastic member is solved in the same way, but with the use of embedded beads. Again, this broad generalization is inadequate to provide a motivation or teaching for a combination of the references. Accordingly, this rejection should be overcome.

Claims 1, 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Frandsen in view of Mashimo et al (4,642,082). This rejection is traversed for at least the following reasons.

Again, the Examiner simply repeats his arguments made in the previous Office Action in framing the rejection. Applicants' response in the previous Amendment continue to be valid. In response to the Applicants' arguments, the Examiner acknowledges the Applicants' assertion that the combination is improper but notes that Mashimo has a concern with wear on a transmission belt and asserts that such concern would lead one of ordinary skill to combine it with Frandsen. Again, this broad generalization would be a basis for traversal.

In light of the fact that the Examiner has maintained his position on the prior art references, Applicants traverse all of the rejections. Applicants have adopted all of the Examiner's suggestions and believe that all of the claims as now clearly drafted overcome the

Amendment under 37 C.F.R. § 1.114(c)
Application No. 09/170,225

prior art. There can be no doubt as to what the claims are intended to cover, and that such subject matter is not found in or obvious in view of the prior art.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

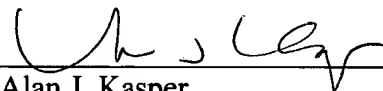
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